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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,004	10/31/2003	Hirohisa Tashiro	SHO-0024	8250
23353 7590 04/30/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,004

Applicant(s)

TASHIRO ET AL.

Examiner

RYAN HSU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendments filed on 1/24/08, claim 1 has been amended and claims 8-13 have been newly added. Claims 1, 4-7 and 8-13 are pending in the current application.

Claim Objections

Claim 12 is objected to because of the following informalities: Claim 12 contains the limitation when "seen from a front side" which it is believed that the applicant's meant "seen from a front side". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Muir et al. (US 2004/0192090 A1).

Regarding claims 1 and 8, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see 'winning outcome' of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of*

Fig. 8 and the related description thereof). Furthermore, Muir discloses a second display device that has symbol display areas that correspond to the symbol display parts through which the symbols displayed on the first display device are transmittably displayed and the window frame display areas formed around the symbols display areas in the second display device, and wherein the display mode of the window frame display area is changed (*see element [78, 60, 68] of Fig. 8 and the related description thereof*), the illumination device is adapted not to illuminate the symbol corresponding to the symbol display area and a light transmittance rate of the symbol display area is made low (*see paragraph [0011-0015, 0018-0027]*).

Regarding claims 4 and 9, Muir disclose a gaming machine wherein the display mode of the window frame display area is changed substantially at the same time that the stop display of the symbol is conducted (*see paragraph [0022-0031, 0050-0052]*).

Regarding claims 5 and 10, Muir disclose a gaming machine wherein an internal winning combination determination device for determining an internal winning combination and a display mode of the window frame display area is changed when the internal winning combination determination device determines a predetermined combination as the internal winning combination (*see paragraph [0051-0065]*).

Regarding claims 6 and 11, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see 'winning outcome' of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of*

Fig. 8 and the related description thereof). With respect to the first display device, Muir discloses the device to include at least one symbol display part capable of variably displaying one or more symbols and conducting stop display thereof (*see element 16 of Fig. 8 and the related description thereof*). With respect to the second display device, Muir discloses the device to have at least one symbol display area corresponding to the at least one symbol display part through which the symbols displayed on the first display device are transmittably displayed and at least one window frame display area formed around the at least one symbol display area in the second display device (*see element [68, 80, 78, and 60] of Fig. 8 and the related description thereof*). Furthermore, Muir discloses that at least one window frame display area has a first display mode and a second display mode visually different from the first display mode and wherein the at least one window frame area changes from the first display mode to the second display mode when the beneficial state generating device generates the beneficial state for the player (*see Fig. 6-7 and the related description thereof*), the first display mode depicted only as a frame structure and the second display mode being a moving image superimposed on and moving along the frame structure (*see paragraph [0022-0030, 0051-0068]*).

Regarding claims 12 and 14, it appears that the effect display area (23) and the LCD (2b) appear to be pointing to the same component as viewed in light of the applicant's own specification (*see Fig. 2*). As a result the Examiner has interpreted the apparatus claim to incorporate that the LCD display would be capable of meeting the limitations required by any effect display area. As such, Muir teaches of gaming machine that comprises:

1) an internal winning combination determination device for determining an internal winning combination based on that of a start operation detection device that detects the start operation of a game (*ie: starting a reel game*) (*see paragraph [0040-0048]*).

2) The gaming machine has a start operation detection device for detecting a start operation of a game and a game result display device and a beneficial state generating device for generating a beneficial state for a player when a predetermined game result is displayed on the game result display device (*see paragraph [0051] and Figs. 8-9 and the related description thereof*).

Furthermore, Muir discloses a gaming machine that comprises a game result display device that comprises of multiple display devices to be used in conjunction with one another to produce a variable display effect (*see paragraph [0012-0030, 0051-0064]*). The game result display device of Muir discloses:

1) a first display device having a plurality of rotatable reels on each periphery of which plural symbols wherein the reels of the first display device are capable of variably displaying the plural symbols when the start operation device detects the start operation of a game and is capable of stopping variable displays of the plural symbols when the stop signal is received for the variable display of the plural symbols occurs by operation of a stop button (*see Fig. 8-9 and the related description thereof*).

Additionally, the game result display of Muir discloses the use of a liquid crystal display device arranged in front of the first display device when seen from a front side of the gaming machine. The liquid crystal display of Muir is disclose to have a symbol display area capable of transmittably displaying the symbols variably displayed and stopped on the reels and a window

frame display area formed so as to enclose the symbol display area and an effect display area other than the symbol display area and the window frame display area, the effect display area displaying an effect image thereon (*see paragraph [0051-0065]*). Due to the interpretation that the LCD display is equivalent to the aforementioned effect display area the LCD of Muir being a LCD display placed in front of a mechanical reel set is capable of displaying any type of animation or symbol graphics on the electronic display device and would therefore meet the limitations of the claims (*see paragraph [0051-0054]*).

Response to Arguments

Applicant's arguments filed 1/24/08 have been fully considered but they are not persuasive. Applicant's representative argues that Muir is silent with respect to the limitation "wherein when display mode of the window frame display area is changed, the illumination device is adapted not to illuminate the symbol corresponding to the symbol display area and a light transmittance rate of the symbol display area is made low". Examiner respectfully disagrees. To elaborate the position, the applicant has argued the position that the window frame display area only consist only of the frame portion of the "shutter mechanism 76 and does not incorporate the NCAP liquid crystals and zones "78" and the frame portion of the "monitor housing 60". However this interpretation is extremely limiting and does not represent the disclosure of Muir and does not interpret the claims of the instant invention in the broadest reasonable interpretation. As such, the limitation argued by the applicant only required a display mode for the layered display to be changed and an illumination device to be adapted not to illuminate a symbol corresponding to the symbol display area and a light transmittance rate of the symbol display area is made low. This is met by Muir through the use of the shutter and

transparent and opaque effect created by the NCAP liquid crystals. These zones effectively make the transmittance of light low in specific regions so that certain symbols are not displayed on the device. Furthermore, the invention of Muir clearly allows the window frame display area to be changed when the symbols are rotating on the display device as well as when the symbols are changed based upon the predetermined beneficial result that will appear during the play of the game. Therefore the limitation of claim 1 is met by the prior art of Muir.

With respect to claim 6, the applicants' representative argues the same limitation as previously addressed above as well as the limitation that Muir does not disclose or teach a mechanism that allows "at least one window frame area changes from the first display mode when the beneficial state generating device generates the beneficial state for the player. The Examiner once again respectfully disagrees. The display mode is changed in Muir when the display device has to choose between using one the first display the LCD display or both in conjunction with one another. As disclosed in Muir the LCD display will generate an alternative 'bonus' symbol (*see Figs. 6-7 and the related description thereof*) when a beneficial state occurs in the gaming machine. Therefore the display mode is altered and changed. Furthermore, the applicant argues that Muir does not disclose the ability to have "a moving image superimposed on and moving along the frame structure". As previously addressed, Muir uses an LCD which means that the surface of the screen or display device is capable of producing any programmed images. This is evident when viewing Muir that states that any image may be superimposed on the display device as shown in the excerpt provided: "a moving animation. In addition, the method may include controlling the display of at least one further image on the display means to

provide an effective change in camera angle or a zooming in or out effect" (*see paragraph [0030]*).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

RH
April 22, 2008